

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:) Chapter 11
)
PIZZA SERVICE, LTD.,) Case No. 09 B 31208
)
Debtor and Debtor in Possession.) Hon. Susan Pierson Sonderby
) Hearing: 9/29/2010 at 10:30 a.m.

NOTICE OF MOTION

To: See attached service list

PLEASE TAKE NOTICE that on September 29, 2010 at 10:30 AM, I shall appear before the Honorable Susan Pierson Sonderby, or any other Judge sitting in her stead, in Courtroom 642, Dirksen Federal Building, 219 S. Dearborn St., Chicago, IL, and shall then and there present the Debtor's **Motion for Entry of a Final Order and Decree Closing its Chapter 11 Case**, a copy of which is enclosed and is herewith served upon you, and at which time and place you may appear and be heard.

/s/ Philip Groben
One of Debtors' attorneys

Forrest L. Ingram #3129032
Philip Groben
Michael Ohlman
Forrest L. Ingram P.C.
79 West Monroe, Suite 900
Chicago, Illinois 60603
(312) 759-2838

CERTIFICATE OF SERVICE

I, Ian Rubenstrunk, a non-attorney, certify that I caused a true and correct copy of the above and foregoing notice and the document to which it refers to be served upon the parties listed below, via electronic delivery and U.S. Mail, as indicated on the list, on September 15, 2010.

/s/ Ian Rubenstrunk

SERVICE LIST

Via CM/ECF Notice:

William T. Neary
Office of the U.S. Trustee, Region 11
219 South Dearborn, 8th Floor
Chicago, IL 60606

Dominos Pizza LLC
Eric Goldstein
C/O Shipman & Goodwin LLP
One Constitution Plaza
Hartford, CT 06103

Fifth Third Bank
c/o David L Hazan
Diver, Grach, Quade & Masini LLP
111 North County Street
Waukegan, IL 60085

CIT Small Business Lending Corporation
c/o Andrew A. Honegger
Husch Blackwell Sanders LLP
401 Main Street, Suite 1400
Peoria, IL 61602-1241

Home State Bank & Trust Number 4255
c/o Christopher H Purcell
Sherman & Sherman
120 S LaSalle St
Suite 1460
Chicago, IL 60603

Via U.S. Post:

Advanta Bank Corp.
PO Box 8088
Philadelphia, PA 19101-8088

Bank of America
Attn: Bankruptcy Dept.
475 Cross Point Pkwy, PO Box 9000
Getzville, NY 14068-9000

Capital One National Association
PO Box 30273
Salt Lake City, UT 84130-0273

CCB Credit Services
5300 S. 6th Street
Springfield, IL 62703-5184

CIT Small Business Lending Corp.
1 CIT Drive
Suite 200
Livingston, NJ 07039

Corface Collections North America
PO Box 8510
Metairie, LA 70011

Domino's Pizza Franchising LLC
30 Frank Lloyd Wright Drive
Ann Arbor, MI 48106

Domino's Pizza LLC
30 Frank Lloyd Wright Drive
PO Box 997
Ann Arbor, MI 48106-0997

Fifth Third Bank
346 West Carol Lane MDGOPS11
Elmhurst, IL 60126

First Equity Card Corporation
PO Box 84075
Columbus, GA 31901-4075

First National Bank Omaha
P.O. Box 2818
Omaha, NE 68103-2818

FirstSource Advantage LLC
205 Bryant Woods South
Amherst, NY 14228

Frederick J. Hanna & Assoc.
1427 Roswell Road
Marietta, GA 30062

Gladstone Group I, Inc.
390 E Higgins Road
Elk Grove Village, IL 60007

Home State Bank & Trust No. 4255
Attn: James and Kathleen Schaid
4005 Kane Avenue, Suite H
McHenry, IL 60050

Illinois Department of Revenue
Bankruptcy Section Level 7-425
100 W. Randolph St.
Chicago, IL 60606

Inland Real Estate-Illinois L.L.C.
2901 Butterfield Road
Oak Brook, IL 60523

Internal Revenue Service
Mail Stop 5010 CHI
230 S Dearborn Street
Chicago, IL 60604

Internal Revenue Service
Centralized Insolvency Operations
PO Box 21126
Philadelphia, PA 19114

Internal Revenue Service
Associate Area Counsel
200 West Adams, Suite 2300
Chicago, IL 60606

IRH Capital, LLC
707 Skokie Blvd., Suite 310
Northbrook, IL 60062

Leaf Funding, Inc.
PO Box 644006
Cincinnati, OH 45264

United Recovery Systems
5800 North Course Drive
Houston, TX 77072

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**MOTION FOR ENTRY OF A FINAL ORDER AND DECREE CLOSING CHAPTER 11
CASE**

NOW COMES the Debtor Pizza Service, Ltd., (the “Debtor”), by and through its attorneys, Forrest L. Ingram and Peter L. Berk, and hereby applies for entry of a final order and decree, closing the above captioned chapter 11 case. In support of this application, the Debtor states:

1. This Court has jurisdiction over this motion pursuant to 28 U.S.C. § 1334. This motion constitutes a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (O). Venue is proper pursuant to §§ 1408 and 1409.
2. Title 11 of the U.S. Code (hereinafter referred to as the “Bankruptcy Code”) sets forth the statutory requirements for the relief requested herein.
3. The Debtor filed a voluntary petition under chapter 11 of the Bankruptcy Code on August 25, 2009.
4. The Debtor’s plan of reorganization was confirmed on July 20, 2010.
5. Section 350(a) of the Bankruptcy Code provides that “[a]fter an estate is fully administered and the court has discharged the trustee, the court shall close the case.”

6. Although the meaning of “fully administered” is not settled, courts have determined that it means “the point when the estate reaches substantial consummation as defined by Section 1101(2) of the Bankruptcy Code.” *In re Wade*, 991 F.2d 402, 407 n.2 (7th Cir. 1992). .

7. Section 1101(2) of the Bankruptcy Code provides that:

‘Substantial consummation’ means –

- (A) transfer of all or substantially all of the property proposed by the plan to be transferred;
- (b) assumption by the debtor or by the successor to the debtors under the plan of the business or of management of all or substantially all of the property dealt with by the plan; and
- (C) commencement of distribution under the plan.

In addition, courts have directed that the following events should be considered when determining if an estate has been fully administered, “1) when the order confirming the plan has become final, 2) when deposits have been distributed, 3) when payments under the plan have been commenced, and 4) when all motions, contested matters, and adversary proceedings have been resolved.” *Wade*, 991 F.2d at 407 n.2.

8. The Debtor’s estate has been fully administered for the following reasons:

- a. The order confirming the plan on July 20, 2010 has become final;
- b. Payments under the plan have commenced with the Debtor’s payment of the following:
 - i. \$1,605.30 paid on 8/16/2010 to the Illinois Department of Revenue,
 - ii. \$95.00 paid on 8/16/2010 to Leaf Financial,
 - iii. \$570.00 paid on 8/16/2010 to CIT Small Business Lending Corporation,
 - iv. \$1,079.33 paid on 8/16/2010 to the Dept. of Treasury – IRS, and
 - v. \$1,140.00 paid on 8/16/2010 to Fifth Third Bank
- c. There are no contested matters and no adversary proceedings to resolve.

9. The Debtor is current in the amounts owed to the United States Trustee's Office.

10. Pursuant to Local Rule 3022-1 notice of this motion has gone to all creditors.

WHEREFORE, the Debtor and Debtor in Possession, Pizza Service, Ltd., prays that this Honorable Court enter a final decree, closing the chapter 11 case. The Debtor also asks for such further relief as may be just.

Respectfully submitted,

PIZZA SERVICE, LTD.

By: /s/ Philip Groben
One of its attorneys

Forrest L. Ingram, Esq. #3129032
Peter Berk, Esq. #6274567
79 W. Monroe St., Suite 900
Chicago, IL 60603
(312) 759-2838